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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

LOUIS J. CONDE
196 West Swift
Clovis, CA 93612

Physical Therapy Assistant No. AT-4607,
Respondent.

Case No. 1D-2000-62651

**AMENDED PETITION
TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Petition to Revoke Probation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about December 19, 1996, the Physical Therapy Board of California issued Physical Therapy Assistant License No. AT-4607 to Louis James Conde, PTA (Respondent).

3. In a disciplinary action entitled "In the Matter of Accusation Against Louis James Conde, PTA," Case No. 1D-2000-62651, the Physical Therapy Board of California, issued a decision, effective October 30, 2001, in which Respondent's Physical Therapy Assistant

1 License was revoked. However, the revocation was stayed and Respondent's Physical Therapy
2 Assistant License was placed on probation for a period of five (5) years with certain terms and
3 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

4 **JURISDICTION**

5 4. This Petition to Revoke Probation is brought before the Physical Therapy
6 Board of California (Board), Department of Consumer Affairs under the authority of the below
7 mentioned statutes and regulations.¹

8 5. Section 2609 of the Code states:

9 The board shall issue, suspend, and revoke licenses and approvals to practice
10 physical therapy as provided in this chapter.

11 6. Section 2660 of the Code states:

12 “The board may, after the conduct of appropriate proceedings under the
13 Administrative Procedures Act, suspend for not more than 12 months, or revoke, or impose
14 probationary conditions upon, or issue subject to terms and conditions any license, certificate, or
15 approval issued under this chapter for any of the following causes:

16 (i) Conviction of a violation of any of the provisions of this chapter or of
17 the State Medical Practice Act, or violating, or attempting to violate, directly or
18 indirectly, or assisting in or abetting the violating of, or conspiring to violate any
19 provision or term of this chapter or of the State Medical Practice Act.”

20 7. Section 141 of the Code states:

21 “(a) For any licensee holding a license issued by a board under the jurisdiction of
22 the department, a disciplinary action taken by another state, by any agency of the federal
23 government, or by another country for any act substantially related to the practice
24 regulated by the California license, may be a ground for disciplinary action by the
25 respective state licensing board. A certified copy of the record of the disciplinary action

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28 1. All statutory references are to the Business and Professions Code (Code) unless
otherwise indicated.

1 taken against the licensee by another state, an agency of the federal government, or
2 another country shall be conclusive evidence of the events related therein.

3 (b) Nothing in this section shall preclude a board from applying a specific
4 statutory provision in the licensing act administered by that board that provides for
5 discipline based upon a disciplinary action taken against the licensee by another state, an
6 agency of the federal government, or another country.”

7 8. Section 2305 of the Code provides in relevant part that the revocation,
8 suspension, or other discipline, restriction, or limitation by another state upon a license by that
9 state that would have been grounds for discipline in California of a license, shall constitute
10 grounds for disciplinary action for unprofessional conduct against the licensee in this state.

11 **FIRST CAUSE TO REVOKE PROBATION**
12 (Failure to Notify Probation of a Change of Address)

13 9. At all times after the effective date of Respondent’s probation, Condition
14 10 required that Respondent shall notify the Board, in writing, of any and all changes of name or
15 address within ten days. On January 16, 2002, Respondent informed his probation monitor that
16 he was living in Santa Rosa, California, yet respondent refused to give an address or phone
17 number where he was living.

18 10. Respondent’s probation is subject to revocation because he failed to
19 comply with Probation Condition 10 as referenced above in paragraph 9. The facts and
20 circumstances regarding this violation are as follows:

21 a. On January 16, 2002, Respondent informed his probation monitor
22 that he was living in Santa Rosa, California, yet respondent refused to give an address or phone
23 number where he was living. Respondent informed the monitor that he could be contacted by
24 mail through his mother’s address in Clovis, California. To date, Respondent has submitted only
25 the August, 2002 quarterly report and he has still not disclosed his Santa Rosa address or phone
26 number, despite numerous attempts to secure that address by his probation monitor.

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11. At all times after the effective date of Respondent's probation, Condition 2 states that Respondent is to pay the reasonable costs of investigation and prosecution of \$1,700.00 within thirty days from the effective date of the decision. To date, Respondent has refused to pay \$1, 700.00 in costs.

a. On or about and between December 2001 and January 2002, Respondent told his probation monitor that he lacks the funds to pay the \$1,700.00 in costs and Respondent has made no attempt to make any partial payments or set up a payment plan to date.

THIRD CAUSE TO REVOKE PROBATION
(Failure to Submit Quarterly Reports)

13. At all times after the effective date of Respondent's probation, Condition 6 states that Respondent shall submit quarterly reports which Respondent has refused to do.

a. On or about and between December 2001 and January 2002, Respondent told his probation monitor that he does not see the need to have his life monitored by the board. Respondent has produced only one quarterly report in September 2002 in the last year. The submitted quarterly report was a month late and not properly filled out. Respondent has produced no quarterly reports for February, May or November of 2002.

FOURTH CAUSE TO REVOKE PROBATION
(Failure to Take Written Examination)

15. At all times after the effective date of Respondent's probation, Condition 18 states that Respondent shall take and pass the Board's written examination on the laws and

1 regulations governing the practice of physical therapy within ninety days of the effective date of
2 the settlement/decision which Respondent has refused to do.

3 16. Respondent's probation is subject to revocation because he failed to
4 comply with Probation Condition 18, referenced above. The facts and circumstances regarding
5 this violation are as follows:

6 a. On or about and between December 2001 and January 2002, and
7 again in May 2002, Respondent told his probation monitor that he does not see the need to have
8 his life monitored by the board and he has no intention of taking the written examination. To
9 date Respondent has not taken or passed the Board's written examination.

10 **FIFTH CAUSE TO REVOKE PROBATION**
11 (Failure to Take A Psychiatric/Psychological Evaluation)

12 17. At all times after the effective date of Respondent's probation, Condition
13 27states that Respondent shall undergo a psychiatric/psychological evaluation by a Board-
14 appointed psychiatrist/psychologist within thirty days of the effective date of the
15 settlement/decision which Respondent has refused to do.

16 18. Respondent's probation is subject to revocation because he failed to
17 comply with Probation Condition 27, referenced above. The facts and circumstances regarding
18 this violation are as follows:

19 a. On or about and between December 2001 and January 2002, and
20 again in May 2002, Respondent told his probation monitor that he does not see the need to have
21 his life monitored by the board and he has no intention of undergoing a psychiatric/psychological
22 evaluation. To date Respondent has not undergone a psychiatric/psychological evaluation.

23 **SIXTH CAUSE TO REVOKE PROBATION**
24 (Failure to Pay Probation Monitoring Costs)

25 19. At all times after the effective date of Respondent's probation, Condition
26 28 states that Respondent shall pay all costs incurred by the Board for probation monitoring
27 which Respondent has failed to do.

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18. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 28, referenced above. The facts and circumstances regarding this violation are as follows:

a. On or about and between December 2001 and January 2002, Respondent told his probation monitor that he does not see the need to have his life monitored by the board and to date he has failed to pay any probation monitoring costs.

P R A Y E R

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking the probation that was granted by the Physical Therapy Board of California in Case No. 1D-2000-62651 and imposing the disciplinary order that was stayed thereby revoking Physical Therapy Assistant License No. At-4607 issued to Louis James Conde, PTA ;

2. Taking such other and further action as deemed necessary and proper.

DATED: November 7, 2002 .

Original Signed By: _____
STEVEN K. HARTZELL
 Executive Officer
 Physical Therapy Board of California
 Department of Consumer Affairs
 State of California
 Complainant

03575160-SA2002AD1274

Exhibit A

Decision and Order

Physical Therapy Board of California Case No. 1D-2000-62651